

Remarks/Arguments:

Claims 1-3, 13-21, 25, 30-34, and 36-40 are pending in the application. Claims 1, 36 and 40 have been amended.

Support for amended claims 1 and 36 can be found, for example, in the originally filed specification at page 7, lines 18-23. No new matter has been added. Claim 40 has been amended to be dependent on claim 2.

The Office Action objects to claim 40 as being identical to claim 25. Because the Applicants have amended claim 40 to be dependent on claim 2, claim 40 is no longer identical to claim 25 and this objection has been obviated.

Claims 1, 3, 13, 14, 16-21, 25, 34, and 36-40 stand rejected under 35 U.S.C. § 102(a) as anticipated by PCT Publication No. WO 02/26379 (the English equivalent of which is U.S. Publication No. 2004/0065078) (collectively "Schafer"). Claims 2, 15, 32, 30, 31, and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Schafer in view of legal precedent. The Applicants respectfully traverse these rejections and submit that the currently pending, amended claims are patentable over the cited references for at least the reasons set forth below.

Features of Independent Claims

Applicants' invention, as recited by independent claim 1, includes features which are neither disclosed nor suggested by the art of record. For example, claim 1 recites:

a catalysed component comprising a ***flow through substrate monolith***
(emphasis added).

Independent claim 36, while not identical to claim 1, include features similar to claim 1.

Response to Rejections

The Office Action rejects independent claim 1 and 36 as anticipated by Schafer. Claims 1 and 36, as amended, now include the feature that the claimed exhaust system comprises a

catalysed component comprising a flow through substrate monolith. In contrast, Schafer discloses a different type of substrate monolith.

More specifically, Schafer discloses wall flow filters as differentiated from "normal honeycomb structures." (para. 27). In fact, Applicants submit that in the same paragraph, Schafer expressly discusses that wall flow filters operate differently than "normal exhaust gas catalysts." (para. 27). Schafer discloses that wall-flow filters have channels that "are alternately blocked at the end faces so that the exhaust gas is forced to flow through the porous channel walls on its route from the inlet end face to the outlet end face." (para. 27). Such filters are not flow through substrate monoliths as claimed in amended claims 1 and 36. For at least this reason, independent claims 1 and 36 are not anticipated by Schafer.

Moreover, although Schafer discloses that the "use of various filter designs," may be used, Schafer merely discloses that these various filter designs include, "for example, wall flow filters, filters made from ceramic fibres or expanded ceramic or metallic materials as well as filters made of wire mesh" (para. 2). Thus, Schafer does not teach, disclose or suggest a flow through substrate monolith as claimed.

Furthermore, the use of a flow through substrate monolith in the exhaust system of Schafer would change the principle of operation of Schafer. For example, the wall flow filters of Schafer have porous channel walls to allow the exhaust gas to flow across the channel walls as the exhaust gas proceeds from the inlet to the outlet. (see para 36). Flow through filters do not require such porous channels as the exhaust gas flows directly from the inlet to the outlet within the same channel. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." See M.P.E.P. § 2143.01 (*citing In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959)). Here, not only is Schafer not a flow through substrate monolith, but it would also be improper for the Office to merely assert that Schafer could substitute a flow through substrate monolith for its wall flow filter. Therefore, Schafer does not anticipate, nor could Schafer render obvious, Applicants' claimed invention.

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Dependent claims 2, 3, 13-21, 25, 30-34, and 37-40 are also patentable over the cited references at least for the same reasons that independent claims 1 and 36, on which they are dependent, are patentable, but may be separately patentable for additional reasons as well.

Regarding the obviousness rejections of the dependent claims, based on Schafer in view of legal precedent, citing to *In re Aller*, because the legal precedent fails to teach the shortcomings of Schafer, including disclosing at least a flow through substrate monolith, the Applicants submit that these claims are neither taught nor suggested by Shafer in view of legal precedent. The obviousness rejection is respectfully requested to be withdrawn.

Conclusion

In view of the arguments set forth above, Applicants respectfully submit that the currently pending claims, as amended, are allowable. Notice to this effect is earnestly solicited.

Respectfully submitted,



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